

REMARKS

Reconsideration of the application is respectfully requested for the following reasons:

1. Amendments to Specification and Claims

The specification, as well as claims 1 and 7, have been amended to correct minor grammatical and typographic errors. Because the changes are all formal in nature, it is respectfully submitted that the changes do not involve new matter.

2. Rejection of Claims 1-4 Under 35 USC §103(a) in view of U.S. Patent No. 3,295,471 (Cook)

This rejection is respectfully traversed on the grounds that the Cook patent fails to disclose or suggest a foldable rack assembly in which:

- the rack is supported in a folded "inoperative" position by retaining blocks mounted on two sides of the mounting frame for engaging side rods of the rack, as recited in claim 1 (instead, the retaining members 59,74 of Cook are mounted to a horizontal arm at a top of a frame);
- the rack includes a bearing frame suspended at a bottom side from parallel side rods, as recited in claim 1 (the rack of Cook does not include a bearing frame suspended from side rods, but rather is supported by vertical extensions 46,68 of L-shaped portions of the bearing frame itself); and
- the rack is supported in an operative position by mounting frame bearing tips that extend horizontally outwards from and bend inwards toward the mounting frame for holding the side rods of the rack (the rack of Cook is supported by engagement between vertical arm extensions 46, 68 and cross bars 37,56, the latter also supporting one of the retaining blocks).

These differences are not merely a matter of design choice. To the contrary, the different structures of the claimed invention result in the following advantages, which are not suggested by any of the references of record:

- Because the retaining blocks of the claimed invention are mounted on two sides the mounting frame to engage side rods of the rack, as recited in claim 1, the claimed rack is (i) more securely supported in the folded non-operative position, and (ii) there is no limit to the vertical dimension of the racks in the folded position, and the depth of the shelves formed when the racks are pivoted to the operative position. In contrast, in the arrangement of Cook, (i) the racks are held by a single retaining member when folded, and (ii) the vertical dimension of the racks in the folded position must precisely match the distance from the pivot to the retaining member, or the rack will not snap into place and be securely held, **limiting the size (depth) of the shelves** formed when the racks of Cook are folded down, and requires **more precise tolerances** during manufacture because of the required coordination between the shelf assemblies and cross members that support the retaining blocks.
- Because the shelf is suspended from side rods, as recited in claim 1, the weight of any items on the shelf when the shelf is in an operative position is borne by the pivotal connection between the side rods and the mounting frame, and by the bearing tips of the mounting frame, without any torque exerted on any part of the rack itself. In contrast, the weight of items placed on the shelf of Cook will exert a torque on the right angle between the horizontal portions of the rack and vertical extensions 68, increasing the likelihood of bending of the shelves.
- Finally, the shelf is supported in the operative position by bent L-shaped horizontal extensions of the mounting frame. It is not necessary to add cross bars such as cross bars 42 and 67 to support the racks in their operative position. As a result, the claimed structure is simpler and requires less parts/manufacturing steps than the rack of Cook.

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Because of the structural differences between the claimed invention and the rack of Cook, which result in tangible advantages not suggested by the Cook patent or any of the other references of record (none of which shows a pivoting rack, retaining block, and mounting frame arrangement), withdrawal of the rejection of claims 1-4 under 35 USC §103(a) is respectfully requested.

Having thus overcome each of the rejections made in the Official Action, withdrawal of the rejections and expedited passage of the application to issue is requested.

Respectfully submitted,

BACON & THOMAS, PLLC

A handwritten signature in dark ink, appearing to be 'B. Urcia', with a long horizontal line extending to the right.

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